



State of Rhode Island and Providence Plantations  
**DEPARTMENT OF EDUCATION**  
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Enclosure 6b2  
December 18, 2018

Ken Wagner, Ph.D.  
Commissioner

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**TO:** Members of the Council on Elementary and Secondary Education

**FROM:** Ken Wagner, Ph.D., Commissioner *KW*

**RE:** Repeal of the RI Nutritional Requirements 2009 – Nutrition Criteria for RI School Food Service Programs

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In compliance with the State requirement that all regulations be re-written, reformatted and codified by December 31, 2018, RIDE revised the RI Nutrition Requirements 2009, effectively repealing and replacing them with the proposed Regulations Governing Nutritional Requirements for Reimbursable Meals and Competitive Foods and Beverages; Limitations on Competitive Foods and Beverages at Meal Time.

The repeal was promulgated in September 2018 for a 30-day public review and comment period. During the public comment period no objections were received

**RECOMMENDATION: THAT, the Council on Elementary and Secondary Education approves the repeal of the RI Nutritional Requirements 2009 – Nutrition Criteria for RI School Food Service Programs.**

## **Rhode Island Nutrition Requirements 2009 (RINR 2009) Nutrition Criteria for RI School Food Service Programs**

### **Background**

The Dietary Guidelines for Americans 2005 (DGAs), developed by USDA, serve as the foundation for national nutrition policies. USDA is moving to incorporate these national guidelines into schools meal programs in a cost-effective manner as outlined in The Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265). As amended, it requires that the Secretary issue guidance to increase the consumption of foods and food ingredients as recommended in the most recent Dietary Guidelines for Americans.

While awaiting publication of the final rule updating the school meal patterns and nutrition standards, USDA encouraged States to begin proactively implementing the 2005 DGA's in their school nutrition programs through a variety of initiatives such as:

- increasing whole grains
- increasing both fruits and vegetables
- offering only low fat and fat-free milk/milk products
- reducing sodium
- increasing fiber
- controlling cholesterol
- minimizing trans fats.

During this same time frame, the RI Healthy Schools Coalition (RIHSC) charged their Nutrition Subcommittee to review and incorporate the applicable recommendations of the 2005 DGA's into Nutrition Guidelines for School Vending & A La Carte Foods. These RI guidelines were collaboratively developed with wide input and officially endorsed in June 2006. State legislation mandated that only healthier beverages (as of 1/1/07) and snacks (as of 1/1/08) be served in elementary, middle and high schools.

The next phase of this nutritional transformation started in the 2007-08 school year. Once again, the RIHSC asked the Nutrition Subcommittee to review and incorporate the 2005 DGA's into the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). With broad representation from wellness council members, school districts, advocacy groups, dietitians, RIDE, food industry and RI Kids First, the RI Nutrition Requirements 2009 (RINR) were finalized.

When RIDE developed the bid language for the Statewide School Food Service Contract, bidders were required to meet any USDA nutritional

~~requirements. In addition, the RINR were overlaid as more stringent nutritional requirements; in effect, this set the nutritional bar higher than the current USDA regulations.~~

~~Currently, twelve (8) districts are contractually obligated to comply with RINR. Other districts are voluntarily working toward compliance with RINR.~~

~~Attached is the final proposal for the RINR 2009. Some modifications have been made to the original draft regarding sodium. USDA and food processors are currently developing and reformulating an array of products for school meal programs. RI's strategy is to phase in the sodium restrictions to ensure that acceptable food products are commercially available to districts.~~

~~The proposed requirements were presented to the RIHSC Nutrition Subcommittee and were endorsed by this group.~~

### ~~**1. RINR Minimum Nutrition Criteria for Reimbursable Meals and Snacks**~~

~~This applies to the School Breakfast Program (SBP), National School Lunch Program (NSLP), and the After School Snack Program.~~

~~Sponsors of these child nutrition programs must~~

- ~~• Meet the current Federal Requirements for each of the respective reimbursable meals and snacks provided, and~~
- ~~• Exceed the Federal Requirements for all federally reimbursable meals and snacks according to the following criteria.~~

~~*Note: In order to monitor and evaluate compliance with these more stringent nutrition requirements, the RINR 2009 will be incorporated into the nutrition review process (SMI) routinely conducted by RIDE.*~~

### ~~**Whole Grains:**~~

~~All of the grains served (rice, bread, pasta, cereal etc.) as part of reimbursable meals & snacks will be at least 50% whole grain~~

~~At least 50% of the grains served as part of the reimbursable meals and snacks, in total each week, calculated by quantity purchased, will be 100% whole grains.\*~~

~~Maximum allowed: whole grain products shall have no more than 7 grams of total sugar per ounce (exception: grains with fruit may have more) — The current RI Approved Product List will be expanded to include information on acceptable~~

~~whole grain products for the School Breakfast and National School Lunch Programs by 2009-2010.~~

~~\*A whole grain should be defined as a food in which 100% of the flour or grain ingredient is whole grain. The Food and Drug Administration does not specifically define whole grains (except for whole wheat bread, which must be 100% whole grain.) Rather it sets a minimum of whole grain (51%) for products which can make a whole grain claim. That minimum standard is not appropriate to use as the definition of whole grains for school meals.~~

~~Rationale: including whole grains rich in fiber and magnesium also will help schools meet fiber and magnesium target levels for meals. (Fiber and magnesium are listed as nutrients of concern for children and adolescents in the Dietary Guidelines).~~

### **Fruits and Vegetables:-**

~~Schools will utilize locally (preferably RI) grown and harvested produce when available.~~

~~In ALL menu planning options, schools **will** serve, at a **minimum**:-~~

- ~~• 2 servings of fruit and/or vegetable per breakfast~~
- ~~• 3 servings of fruit and/or vegetable per lunch.~~
- ~~• 1 serving of fruit and/or vegetable per each after school snack. (Serving sizes will vary based on age/grade.)~~

~~To help ensure variety, schools will offer, at a **minimum**:-~~

- ~~• 3 different fruits in 1 week~~
- ~~• 5 different non-fried vegetables in 1 week~~
- ~~• 1 serving of fruit or vegetable per day will be dark green or orange~~
- ~~• 1 serving of fruit or vegetable per day will be fresh or raw~~

~~To help ensure variety, schools will offer **no more than (maximum)**-~~

- ~~• 1 serving of 100% juice per day for breakfast and lunch~~
- ~~• 1 serving of 100% juice for every 5 consecutive snacks served~~

### **Examples of Dark Green/Orange Vegetables:-**

~~Acorn Squash  
Beet and Mustard Greens  
Bok Choy  
Broccoli  
Butternut Squash  
Carrots  
Collard Greens  
Dark Green Leaf Lettuces or Salad Greens, e.g. Mesclun Hubbard Squash  
Kale  
Pumpkin  
Romaine Lettuce  
Spinach  
Sweet Potatoes or Yams (orange)  
Turnip greens  
Watercress~~

**~~Examples of Orange Fruits~~**

~~Apricots  
Cantaloupe  
Guava  
Mandarin  
Oranges  
Mango  
Nectarines  
Orange  
Papaya  
Peaches  
Tangerines~~

*~~Rationale: increasing the availability and service of both fruits and vegetables within the school meals programs will help children increase dietary fiber and nutrients. "Choose a variety of fruits and vegetables each day. In particular, select from all five vegetable subgroups (dark green, orange, legumes, starchy vegetables, and other vegetables) several times a week."~~*

**~~Added Sugars/Sweeteners:~~**

**~~Beverages~~** served as part of the school breakfast, school lunch or after school snack shall be 100% juice or milk with no more than 4 grams of total sugar per ounce.

**~~Whole Grain~~** items served as components of the reimbursable breakfast, lunch, and after school snack program shall have no more than 7 grams of sugar total per serving. (Exception: Whole Grains with added dried fruits

~~such as raisin bran may have more than 7 grams of sugar per serving.) The goal is to minimize the added~~

~~sugars but allow the naturally occurring sugars. Refer to the RI Approved product list for acceptable whole grain items.~~

**~~Artificial sweeteners~~** are not allowed.

*~~Rationale: Added sugars provide calories without any nutrients. There is little evidence on the long term health effects of nonnutritive sweeteners, particularly from exposure initiated in childhood.~~*

**~~Sodium:~~** *~~(revised 1/20/09)~~*

*~~The goal is ultimately to help students not exceed the 2,300 mg daily tolerable upper intake level for sodium recommended in Dietary Guidelines. A phased in approach has been taken to allow vendors, manufacturers and processors time to reformulate products.~~*

~~For the school year 2009-2010,~~

- ~~• School breakfast (including all components) shall contain no more than 575 mg of sodium, and~~
- ~~• School lunch components that in total constitute each reimbursable meal offered, shall contain no more than 1070 mg of sodium: Of this 1070 mg., 300 mg. are assumed to be the sodium content of the milk and servings of whole grain bread, rolls, wraps or pizza crust. Note: Soup is excluded from this calculation, and~~
- ~~• Any soup served as part of the school lunch meal shall contain no more than 1000 mg of sodium,~~
- ~~• Afterschool Snack (including all components) shall contain no more than 350 mg of sodium.~~

*~~The sodium content shall be calculated based on a weekly average of the total sodium content of required meal components that constitute each type of reimbursable meal served each day. For example, if the school lunch menu has four (4) options for lunch, all should be included in the sodium nutritional analysis and all should be included in the weekly average calculation.~~*

*~~Rationale: begin reducing sodium incrementally, with a long term, step wise plan for meeting the DGAs recommendation. For the first time, the 2005 DGAs have set a quantitative upper limit on daily sodium consumption. A key~~*

~~recommendation of the document is, "Consume less than 2,300 mg (approximately 1 tsp of salt) of sodium per day." Previous versions have encouraged reduction of sodium intake, without providing a numeric target. Since past DGAs have not provided a quantitative sodium recommendation, neither have the school meals programs~~

#### **~~Milk Fat:-~~**

~~Students shall be offered 1% or skim, non-flavored milk as a choice among other milk choices everyday. Flavored 1% or less fat shall have no more than 4 grams of total sugar per ounce.~~

~~Rationale: offer only low fat (1% or less) and fat free milk in the school meal programs for all children above the age of two. The 2005 DGAs include a~~

~~recommendation to consume fat free and low fat milk and milk products on a daily basis, with a key recommendation stating, "Consume three cups per day of fat free or low fat milk or equivalent milk products. Children two to eight years should consume two cups per day of fat free or low fat milk or equivalent products."~~

#### **~~Cooked legumes (dried beans or peas):-~~**

~~One or more servings of cooked legumes (dried beans or peas) shall be offered each week.~~

#### **~~Examples of dried peas or beans are:-~~**

~~Pinto beans  
Great Northern or Navy beans  
Kidney or red beans  
Black beans  
Lentils  
Garbanzo beans  
Cowpeas  
Split peas  
Lima beans (dry, mature, such as large white) Black-eyed peas~~

~~Rationale: plan meals that provide fiber at all levels appropriate for each age/grade group that reflect the 2005 DGAs recommendation (14 grams per 1,000 calories consumed). Fiber is found naturally in fruits, vegetables (particularly legumes) and whole grains; these food groups can be significantly, but gradually, increased in school meals. Gradual increases now, will allow students palates to adjust and will make the transition to a numeric fiber target easier. Fruits can be served without the addition of salt, butter or sauces; the addition of whole fruits as a choice in school menus will increase fiber while reducing sodium.~~

## **~~2. Minimum Nutrition Criteria for A La Carte Foods and/or Beverages Sold or Offered by School Food Service Operations~~**

~~Remember; the goal is to maximize utilization of the school meals programs by providing balanced nutritious meals to students during breakfast and lunch and to encourage consumption of balanced nutritious meals while discouraging the consumption of snack foods in place of meals.~~

~~*A la carte foods and/or beverages may be available in elementary schools, but are limited to the following: fresh milk, whole or cut fresh fruits and/or vegetables OR kitchen prepared (unprocessed) fruit and/or vegetable side dishes.*~~

~~A la carte foods and/or beverages may be available in middle schools and high schools, but all a la carte items must meet the **RI Healthy Schools Coalition Nutrition Guidelines for School Vending and A La Carte** and/or must appear on the **RI Approved Product List** prepared by Kids First.~~

~~\*\*\*RIDE will work with each school district administration to enforce adherence to the~~

~~**RI Healthy Schools Coalition Nutrition Guidelines for School Vending and A La Carte** throughout the entire school campus, including but not limited to fundraisers, school stores, vending machines, classroom rewards, celebrations, and special events.~~